

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANKLIN D. EASTERDAY,

Plaintiff,

Case No. 15-13300

v.

Hon. John Corbett O'Meara
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Before the court is Magistrate Judge Stephanie Dawkins Davis's report and recommendation, dated August 19, 2016. In this action for social security benefits, the parties moved for summary judgment on the administrative record. Magistrate Judge Davis recommends that the court grant Plaintiff's motion and deny Defendant's motion, reversing the decision of the Commissioner to deny Plaintiff benefits. Defendant submitted objections on August 29, 2016, to which Plaintiff responded.

With respect to reports and recommendations from magistrate judges, this court "shall make a *de novo* determination of those portions of the report or

specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). The court “may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate.” Id.

Having reviewed the record and Defendant’s objections, the court agrees with Magistrate Judge Davis’s analysis and recommendation.

Accordingly, IT IS HEREBY ORDERED that Magistrate Judge Davis’s August 19, 2016 report and recommendation is ADOPTED.

IT IS FURTHER ORDERED that Plaintiff’s motion for summary judgment is GRANTED, Defendant’s motion for summary judgment is DENIED, the findings of the Commissioner are REVERSED, and this matter is REMANDED pursuant to Sentence Four.

s/John Corbett O’Meara
United States District Judge

Date: September 27, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, September 27, 2016, using the ECF system.

s/William Barkholz
Case Manager